

Atty. Dkt. No. 039153-0649 (H0982)

REMARKS

Applicants thank the Examiner for the Office Action dated March 2, 2007. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 13 is requested to be cancelled without prejudice. Claims 11, 12, 14, 16, 20, 23 and 26 are currently being amended. Claim 31 is being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 11-12 and 14-31 remain pending in this application.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections of the independent claims outlined in the Office Action with the understanding that the dependent claims that depend from the independent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

35 U.S.C. § 102(b)

On page 2 of the Office Action, claims 11 and 20-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2002/0072130 (Cheng). Applicants respectfully traverse the rejection.

Applicants have amended independent claims 11 and 20 to advance prosecution. Applicants respectfully submit that Cheng does not anticipate the subject matter recited in

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independent claims 11 and 20, as amended, because Cheng does not disclose "providing an aperture in the semiconductor/germanium layer for each of the plurality of transistors." On page 5 of the Office Action, referring to the allowable subject matter Examiner explains that the "prior art does not teach or suggest, in combination with other claimed limitations, providing an aperture within the semiconductor/germanium layer" Accordingly, it is respectfully submitted that independent claim 11 and its dependent claims 12 and 14-19 and independent claim 20 and its dependent claims 21-23 are not anticipated by Cheng. Therefore, it is respectfully submitted that claims 24-27 are no longer dependent upon a rejected base claim.

Applicants note that in the previous amendment, claims 12 and 14-18 were dependent upon independent claim 28, but are now dependent upon claim 11.

35 U.S.C. § 103

On page 3 of the Office Action, claim 19 is rejected under 35 U.S.C. § 103 as being unpatentable over Cheng in view of U.S. Patent No. 6,534,380 (Yamauchi). Applicants respectfully traverse the rejection. Applicants respectfully submit that Yamauchi does not provide for the deficiencies of Cheng. Accordingly, allowance of claim 19 is respectfully requested.

Applicants reserve the right to swear behind Cheng if necessary.

Accordingly, withdrawal of the rejection of claims 11 and 19-23 is respectfully requested. Withdrawal of the objection to claims 24-27 is also respectfully requested.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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